



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,415	07/06/2001	Grover M. Blackwell	2111.001	4993

7590 11/12/2004

B. Craig Killough
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, SC 29402-0197

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,415

Applicant(s)

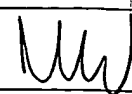
BLACKWELL ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,8,10,12,21 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 2,4,6,8,10,12 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 21 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Due to a more careful review of the prior art references cited, finality of the last Official Action is being withdrawn.

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 2,4,6,8,10,12 and 21 is withdrawn in view of a more careful review of the reference to CLOCK et al. and in view of the newly discovered reference(s) to FREEMAN. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2,4,6,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #3,762,988 to CLOCK et al. In reference to claims 2 and 28, GOLDHABER discloses a window covering (as shown in figures 14 and 16) and (200) including at least one stile (32,220) having a first side (34) parallel to a second side (36), see figure 9, wherein said first side (34) of said stile (32,220) contacts one side of a plane of material (22,222) along an edge thereof and the second side (36) of said stile (32) contacts a second side of the plane of material (22,222). The window covering (200) of GOLDHABER also discloses the use of at least one hinge (207) which is attached to said at least one stile (220). GOLDHABER discloses the basic claimed external widow covering except for

Art Unit: 3635

the use of a material having a polycarbonate core enclosed by a plane of polyvinyl chloride first and second materials. CLOCK et al. teaches that it is known in the art to provide a window arrangement with a polycarbonate core (2), column 6, line 56-57, enclosed by a first (3) and a second (4) plane of polymeric material. In further regards to claims 2 and 29, although CLOCK et al. does not specifically teach the use of polyvinyl first and second planes of material, he does teach the forming his first and second (3,4) planes of material out of a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended. The plane of material disclosed by GOLDHABER is only a single plane of material; however, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to form a window that not only strong, but that is also virtually tear resistant and distributes loads effectively. Further, the material selection depends upon the environment in which the window is going to be used. For instance, if the window is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes. Regarding claim 4, the stile (32) is a linear channel. In reference to claim 6, the first plane of material (3) and the second plane of material (4) are secured to the core (2) by an adhesive (not labeled), column 8, lines 52-57 and 61-63.

Claims 8,10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER, as modified by US Patent #3,762,988 to CLOCK et al. and further in view of US Patent #6,534,152 to FREEMAN.

GOLDHABER, as modified by CLOCK et al., discloses the basic claimed external window covering except for the planes of material not being uniform in thickness.

FREEMAN teaches that it is known in the art at the time the invention was made to form multiple planes of material (232,234) that do not have a uniform thickness, column 1, line 61. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the planes of material of GOLDHABER, as modified by CLOCK et al., in order to reflect images such that they are superimposed upon one another; thereby improving the image displayed thereon. A lot of windows give double images of display sources. FREEMAN teaches that tapering the planes of materials decreases double images and limits ghost imaging.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #3,762,988 to CLOCK et al. GOLDHABER discloses a window covering (as shown in figures 14 and 16) and (200) including at least one stile (32,220) having a first side (34) parallel to a second side (36), see figure 9, wherein said first side (34) of said stile (32,220) contacts one side of a plane of material (22,222) along an edge thereof and the second side (36) of said stile (32) contacts a second side of the plane of material (22,222). The window covering (200) of GOLDHABER also discloses the use of at least one hinge (207) which is attached to said at least one stile (220). GOLDHABER discloses the basic claimed

Art Unit: 3635

external window covering except for the use of a material having a polycarbonate core enclosed by a plane of polyvinyl chloride first and second materials. CLOCK et al. teaches that it is known in the art to provide a window arrangement with a polycarbonate core (2), column 6, line 56-57, enclosed by a first (3) and a second (4) plane of polymeric material. Although CLOCK et al. does not specifically teach the use of polyvinyl first and second planes of material, he does teach the forming his first and second (3,4) planes of material out of a polymeric material. I would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended. The plane of material disclosed by GOLDHABER is only a single plane of material; however, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to form a window that not only strong, but that is also virtually tear resistant and distributes loads effectively. Further, the material selection depends upon the environment in which the window is going to be used. For instance, if the window is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes. GOLDHABER also discloses the first plane of material (3) and the second plane of material (4) being secured to the core (2) by an adhesive (not labeled), column 8, lines 52-57 and 61-63.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #3,762,988 to CLOCK et al. and US Patent #6,534,152 to FREEMAN. GOLDHABER discloses a window covering (as shown in figures 14 and 16) and (200) including at least one stile (32,220) having a first side (34) parallel to a second side (36), see figure 9, wherein said first side (34) of said stile (32,220) contacts one side of a plane of material (22,222) along an edge thereof and the second side (36) of said stile (32) contacts a second side of the plane of material (22,222). The window covering (200) of GOLDHABER also discloses the use of at least one hinge (207) which is attached to said at least one stile (220). GOLDHABER discloses the basic claimed external widow covering except for the use of a material having a polycarbonate core enclosed by a plane of polyvinyl chloride first and second materials, and except for the planes of material not being uniform in thickness. CLOCK et al. teaches that it is known in the art to provide a window arrangement with a polycarbonate core (2), column 6, line 56-57, enclosed by a first (3) and a second (4) plane of polymeric material. Although CLOCK et al. does not specifically teach the use of polyvinyl first and second planes of material, he does teach the forming his first and second (3,4) planes of material out of a polymeric material. In further regards to claims 25 and 27, FREEMAN teaches that it is known in the art at the time the invention was made to form multiple planes of material (232,234) that do not have a uniform thickness, column 1, line 61. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended. The plane of material disclosed by

GOLDHABER is only a single plane of material; however, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to form a window that not only strong, but that is also virtually tear resistant and distributes loads effectively. Further, the material selection depends upon the environment in which the window is going to be used. For instance, if the window is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes. GOLDHABER also discloses the first plane of material (3) and the second plane of material (4) being secured to the core (2) by an adhesive (not labeled), column 8, lines 52-57 and 61-63. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the planes of material of GOLDHABER, as modified by CLOCK et al., in order to reflect images such that they are superimposed upon one another; thereby improving the image displayed thereon. A lot of windows give double images of display sources. FREEMAN teaches that tapering the planes of materials decreases double images and limits ghost imaging. Regarding claim 26, the stile (220) of GOLDHABER is a linear channel.

Allowable Subject Matter

Claims 21 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31 and 32 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 31 and 32 the prior art of record fails to teach the use of a window covering including at least one stile for receipt of a multi-plane material including a core and first and second planes enclosing the core; wherein, the first plane of material has an edge of reduced dimension such that the stile is flush with an exterior surface of the first plane of material.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
11/8/04



Yvonne M. Horton
Examiner
Art Unit 3635